

## II. REMARKS

Claims **63, 64, 68, 69, 70, 79, 80, 83, 85-90** and **94 to 99** are pending and were examined. By this Amendment, claims **63** and **94 to 97**, have been amended. Support for the amendments can be found in the application papers on pages 26-35 and 65-70. Thus, the amendments to the claims do not raise an issue of new matter and entry thereof is respectfully requested. No new claims have been added. No claims have been canceled and the total number of independent claims and dependent claims remains unchanged from Applicants' last response. The amendments to the claims are made without prejudice or disclaimer and Applicants reserve the right to file the same or similar claims in an application claiming the benefit of the subject application. The amendments to the claims are not intended as a dedication to the public of the subject matter of the claims as previously presented, having been made in a sincere effort to place the application in condition for allowance.

Applicants also have amended page 55, line 26 to correct a typographical error noted by the Examiner. This also does not raise an issue of new matter and entry thereof is respectfully requested.

This Amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In view of the preceding amendments and the remarks which follow, reconsideration and withdrawal of the rejections is respectfully requested.

### **Telephonic Interview Summary**

Applicants' undersigned attorney thanks the Examiner for the courtesy extended to her during the January 22, 2008, telephone interview. Applicants' representative and the Examiner discussed the scope of all pending claims and their relationship to the rejection of the claims under 35 U.S.C. § 112, first paragraph. Claim amendments were suggested by Applicants' representative but no agreement was reached.

### **Informalities**

The Examiner noted a misspelling on page 55, line 26 of the specification. Amendment of the paragraph has been requested to correct the misspelling. In view of the amendment of the specification, removal of the informality notice is respectfully requested.

### **35 U.S.C. § 112, First Paragraph**

Claims **63-64, 68-70, 79-80, 83, 85, 86 and 94-99** stand rejected under 35 U.S.C. §112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to enable one of ordinary skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Without conceding the correctness of the grounds for rejection, Applicants have amended claims 63, 94, 95, 96 and 97 in a sincere effort to remove the grounds for rejection. The amendments to the claims are made without prejudice or disclaimer and Applicants reserve the right to file the same or similar claims in an application claiming the benefit of the subject application. The amendments to the claims are not intended as a dedication to the public of the subject matter of the claims as previously presented.

In view of these amendments, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph, is respectfully requested.

### **Double Patenting**

Claims **53-57, 59-61, 63-64, 69-70, 79-86 and 91-93** stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims **1-10** of U.S. Patent No. **6,683,061**.

Without conceding the correctness of the Examiner's position and in a sincere effort to advance examination, enclosed with the reply is a terminal disclaimer and authorization to charge the fee for recordation of same.

In view of the filing of the terminal disclaimer and payment of the fee, removal of the obviousness-type double patenting rejection is respectfully requested.

### **III. CONCLUSION**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted

herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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